

**DRAFT TESTIMONY OF PROFESSOR JAN E. LEIGHLEY,
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REPRESENTATIVES SUBCOMMITTEE ON ELECTIONS
OF THE COMMITTEE ON HOUSE ADMINISTRATION
OVERSIGHT
HEARING ON ELECTION DAY REGISTRATION AND
PROVISIONAL VOTING
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Mr. Chairman, and members of the committee:

Thank you very much for the opportunity to present to the committee an overview of what scholarly research has demonstrated regarding the effects of Election Day Registration on voter turnout. Political scientists have long been interested in the effects of state-level policies on whether individuals choose to cast ballots on election day, perhaps the ultimate act of engagement and equality in a democratic political system. Of course, we know that a relatively small proportion of individuals choose to exercise this democratic right, and seeking to understand whether policies might be adopted to increase voter turnout is indeed a critical endeavor.

Introduction

My research agenda since I received my Ph.D. from Washington University in St. Louis in 1988 has focused on the demographic determinants of voter turnout (i.e., who votes), whether the legal and political context facilitates or depresses turnout, and whether

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turnout matters. I have published in the leading political science journals and have edited one of the top three general journals in the discipline. Most importantly, my current research, with Jonathan Nagler, Professor of Politics at New York University, focuses largely on how various registration and election administration laws influence overall levels of voter turnout and whether such laws have differential effects on different types of people—most specifically, groups that tend to be under-represented in the electorate relative to the size of their groups as a proportion of the U.S. voting age population.

My recent work with Bob Stein, Rice University, on the effects of early voting on voter turnout certainly inform my approach to Professor Nagler and I's new project, in which we have collected data on all fifty states for all presidential and congressional election years since 1972. That work on early voting—most of which is based on data from Texas—suggests that early voting may lead to a one to two percentage increase in voter turnout, depending on the particulars of the election. The individuals who seem to be more likely to vote as a result of the availability of early voting, however, are those who have a high probability of voting regardless: strong partisans, highly educated and highly interested citizens. This has led us to conclude that early voting allows individuals who would otherwise vote the convenience of doing it over a longer period of time, rather than mobilizing a significantly large group of previous non-voters. This reform has failed its proponents' expectations of substantially increasing voter turnout, and making the voting population more representative of the general population.

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And so I believe that we must be careful in what claim when such reforms are offered in an effort to reduce the costs of registration and voting, and therefore make it easier for citizens to voice their preferences in politics. Yet I also believe that Election Day Registration is a proposed reform that can deliver on the promises of its advocates—and I make such a claim based on numerous scholarly investigations of the effects of Election Day Registration on voter turnout in the states.

Overview of Existing Literature

In my remaining time I will focus on three key points drawn from the existing literature, and then expand on my current research with Jonathan Nagler. The three substantive points based a range of studies of the effects of Election Day Registration are:

- The consistency of previous research that demonstrates a positive and significant effect of EDR on voter turnout in various states.
- The relatively widespread, rather than group-specific, effects of Election Day Reform.
- The relatively low “costs” believed to be associated with implementing Election Day Reform.

1. Previous research is quite consistent—regardless of time period, geographical focus or details of research design and statistical analysis—in its estimates of the impact of Election Day Reform on voter turnout. Not a single study suggests that voter turnout would decrease or remain unchanged; instead, research suggests that voter turnout would increase *at a minimum* from

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between three to six percentage points. In states with certain demographic groups, it is possible that the turnout increase would approach eight to ten percentage points. [INSERT DETAILS FROM STATE SPECIFIC STUDIES]

2. Previous research is somewhat less consistent on the question of whether Election Day Registration would have a greater effect on some individuals than others. Advocates argue that Election Day Registration would increase the likelihood that previously under-represented groups would increase their participation relative to others, and therefore be more equally-represented in the electorate. A fairly consistent finding is that Election Day Registration would indeed be effective in increasing turnout of younger individuals and those who have recently moved; these changes would reduce the current electoral bias of the overrepresentation of older individuals. [ADD DETAILS]

There is some (state-specific) evidence that racial minorities would be more likely to vote, yet little evidence that suggests any partisan skew to the newly-registered. The latter fact can be attributed largely to the distribution of party identification in the electorate across levels of income (i.e., income is the more critical factor predicting voter turnout than is party identification). .
[ADD DETAILS]

3. Although any change in election registration and administration laws is likely to have costs associated with implementation, previous research focusing on election administration officials and public reports of (potential) fraud or inefficiencies associated with Election Day Registration in the six states that

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currently offer Election Day Registration finds little evidence of widespread dissatisfaction on the part of election officials, political candidates or citizens. In short, these six states seem to have found effective ways to implement Election Day Registration. Another perspective on this point is that Election Day Registration may even offer the potential to improve the quality of existing registration lists (and hence improve efforts to educate citizens), and the potential for fraud may be less for this policy innovation than it might for some others (existing or proposed).

Current Research by Leighley and Nagler

Our current research focusing on changes in the determinants of voter turnout since 1972, including voter registration and election administration laws in the states, provides some advantages in research design over these previous studies. [INSERT ADVANTAGES: TIME PERIOD, VARIETY OF ELECTION REFORMS ADOPTED IN THE STATES, COMPARISONS ACROSS A WIDER RANGE OF STATES, ETC.]

While our analysis is preliminary, it nonetheless confirms the key points of previous research: an estimated positive impact of approximately 4 percentage points in “Wave 1” states, greater impacts of Election Day Registration for individuals who are NOT in the lowest educational and income groups, and the greatest impact for the youngest age group. [INSERT DETAILS OF TURNOUT DIFFERENCES; APPEND PAPER OR RELEVANT TABLES?]

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Conclusion

To summarize, any scholarly recommendations regarding Election Day Registration and its effects on voter turnout must build on the substantial evidence we have that EDR is an effective policy for increasing voter turnout, and that it would likely do so without notable group-specific biases in whom it would effect. We would, it seems, benefit from the advantages of an election system oriented toward maximizing citizen participation, but do so without threatening the integrity and legitimacy of the electoral process.

DRAFT NOTES: References to scholarly work to be added.